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Writ Petition No.29615 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.29615 of 2024

M.Samyuktha

D/o.Late Banu Sri Karthika

... Petitioner

Vs.

- 1.The Secretary to Government,
School Education Department,
Namakkal Kavingar Maligai,
Fort St.George, Chennai - 600 009.
- 2.The Accounts Officer (Pensions),
Office of the Accountant General,
(Accounts & Entitlement) Tamil Nadu,
No.361, Anna Salai, Teynampet,
Chennai - 600 017.
- 3.The Director of Elementary Education,
The Directorate of Elementary Education Office,
Samagra Shiksha, Tamil Nadu,
P.A.K Valagam, College Road,
Nungambakkam, Chennai - 600 006.
- 4.The Chief Educational Officer,
No.514, 5th Floor, District Collectorate Campus,
Tiruppur, Tiruppur District.
- 5.The District Education Officer,
No.632, 6th Floor, District Collectorate Campus,
Tiruppur, Tiruppur District.



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6.The District Elementary Educational Officer,
No.520, 5th Floor, District Collectorate Campus,
Tiruppur, Tiruppur District.

7.The Block Education Officer,
Office of Block Education,
Palayakottai Road,
Kangeyam, Tiruppur District - 638 701.

8.S.Gunasekaran
S/o.Shanmugham

9.Minor G.Rishwanth
represented by its natural guardian
S.Gunasekaran

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to provide 1/3rd share in the monthly pensionary benefits of her mother and recover the share of the petitioner's from the pension amount which was received so far from the eighth respondent by considering the petitioner's representation dated 08.07.2024.

For Petitioner : Mr.K.Prabhakaran

For Respondents : Mrs.S.Mythreya Chandru
Special Government Pleader [Edn.]
[R1 to R7]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing respondents to provide 1/3 share in the pensionary



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benefits of the petitioner's mother and to recover the share of the petitioner from the pension amount, which has so far been received by the eighth respondent by considering the representation made by the petitioner on 08.07.2024.

2. Heard Mr.K.Prabhakaran, learned counsel appearing for petitioner and Mrs.S.Mythreya Chandru, learned Special Government Pleader [Edn.] appearing for respondents 1 to 7.

3. In the considered view of this Court, the petitioner is claiming for a share in the pensionary benefits of her mother. The mother of the petitioner seems to have married the eighth respondent and through the said marriage, the ninth respondent was born. After the demise of petitioner's mother, family pension is being paid to the ninth respondent. The petitioner claims that she has 1/3 share in the family pension. Therefore, 1/3 share must be sent to the petitioner and that apart, 1/3 share must be recovered from the respondents 8 and 9 towards the share of the petitioner. The relief sought for by the petitioner cannot be granted by the educational authorities. This is primarily a dispute, which has to be resolved before the competent civil Court.



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4. In view of the same, liberty is granted to the petitioner to work her remedy before the competent civil Court. Except giving this clarity, no further orders can be passed in this writ petition.

This Writ Petition is disposed of in the above terms. No costs.

17.10.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

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- 2.The Accounts Officer (Pensions),
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N.ANAND VENKATESH, J

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